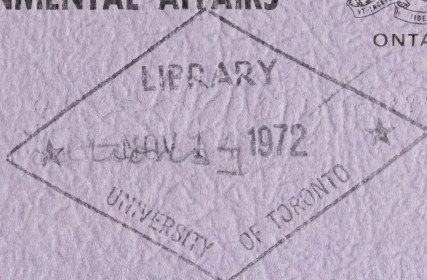


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MINISTRY OF TREASURY, ECONOMICS
AND INTERGOVERNMENTAL AFFAIRS



1972

SUMMARY OF LEGISLATION

AFFECTING MUNICIPALITIES

Enacted at the Second Session of the Twenty-Ninth
Legislature of the Province of Ontario until Date of
Recess on June 30th, 1972

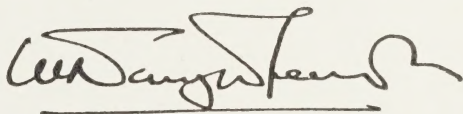
Printed by the authority of
THE HONOURABLE W. DARCY McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

Ministry of Treasury, Economics and Intergovernmental Affairs Ontario



I am pleased to make available a summary of the legislation affecting municipalities enacted at the current Session of the Legislature until date of recess on June 30th, 1972.

As has been the custom in the past we have summarized only those Acts or portions thereof that we consider to be of interest to municipal officials. This summary is prepared for the purposes of convenience and for the exact wording reference should be made to the Acts themselves.


A handwritten signature in dark ink, appearing to read 'W. D. Langford', written over a horizontal line.

Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs.

July 17th, 1972.

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THE AMBULANCE AMENDMENT ACT, 1972

BILL No. 186

Ontario Statutes 1972, Chapter 93, deemed to have come into force on April 1st, 1972.

Municipalities' Share of Liability for Ambulance Operator's Fee.

Section 21 is re-enacted to provide that where a patient in a hospital is receiving general assistance from a municipality under The General Welfare Assistance Act, or is the dependant of any such person and is transported to or from the hospital in an ambulance, the municipality is also liable for and shall pay to the hospital that person's share of the ambulance services operator's fee as prescribed by the regulations.

THE ASSESSMENT AMENDMENT ACT, 1972

BILL No. 207

Ontario Statutes 1972, Chapter 125, effective June 30th, 1972, except for the repeal of Sections 8 to 11 and amendments to subsection 4 of Section 29, subsections 3 and 4 of Section 30, Sections 34, 35, 42, 55 and 63 and repeal of Sections 76 and 77 and amendment to subsection 3 of Section 86 which come into force on January 1st, 1973.

1. **Voters' List.** *Clause t of Section 1* is repealed. The repealed clause refers to the municipal voters' list prepared under *The Voters' Lists Act*. This aspect of elections will now be governed by *The Municipal Elections Act, 1972*.
2. **Telegraph and Telephone Companies.** *Sections 8, 9, 10 and 11* are repealed complementary to the transfer to *The Municipal Act* as a new *Section 304a* of the provisions relating to the taxation of telephone and telegraph companies.
3. **Content of Assessment Roll.** *Subsection 1 of Section 17* is re-enacted to provide that the assessment roll will now deal solely with valuation aspects. Reference should be had to this subsection for all the details required, which are too lengthy to be included in this summary. A complementary amendment is made to *Section 24*.
4. **Definition of "Tenant".** *Subsection 3 of Section 17* defines "tenant" for the purposes of the said section as being "an occupant of land, other than the owner, who is liable to pay business tax in respect of business conducted on such land, or who is an occupant of land under *Section 26*". The definition will restrict the names entered on the roll to owners, business tenants and occupants of Crown land.
5. **Certain Franchise and School Support Sections Repealed.** *Sections 18, 19, 20, 21 and 22* are repealed. These sections relate to the franchise and to determination of school support and are now unnecessary by reason of *The Municipal Elections Act, 1972* and the changes in the content of the assessment roll mentioned above.
6. **Census.** *Section 23* is re-enacted to provide that the assessment commissioner shall in each year, commencing on the Tuesday following the first

Monday of September and ending on the second Tuesday of October, cause a census to be taken of the inhabitants of each municipality and locality in his region, which shall include school support and such other information as may be prescribed by the Lieutenant Governor in Council and a list showing the school support of every inhabitant who is entitled to direct taxes for school support purposes for each municipality and locality shall be delivered by the assessment commissioner to the clerk of the municipality and to the secretary of each school board in the municipality and locality on or before the second Tuesday of October of the year in which the census is taken and such census shall be the enumeration referred to in *The Municipal Elections Act, 1972*. A complementary amendment is made to *Subsection 1 of Section 14*.

7. **Appeal Where Partial Exemption of Farm Lands.** *Subsection 4 of Section 29* is re-enacted to provide that where a municipality fails to pass a by-law providing for partial exemption of farm lands from taxation for certain expenditures an appeal will now lie to the Municipal Board rather than to the Minister. Complementary amendments are made to *subsections 3 and 4 of Section 30*.

8. **Apportionment of Taxes.** A new *subsection 5* is added to *Section 42* to provide for the apportionment of taxes levied on lands added to the collector's roll that had previously been omitted.

9. **Notice of Appeal.** *Subsection 2 of Section 55* is re-enacted to provide that a notice of appeal to the county judge shall, within fourteen days of the mailing of the notice under *subsection 14 of Section 52*, be sent by the party appealing by registered mail to the regional registrar, who shall forthwith mail a copy of such notice to the persons to whom notice has been given under *subsection 14*, or where there has been any omission, neglect or refusal by the Assessment Review Court to hear or decide an appeal on or before the 30th day of January in the year following that in which the appeals were made, be sent by the party appealing by registered mail to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice would, had there been no such omission, neglect or refusal, have been given under *subsection 14 of Section 52*.

10. **Provisions for Cancellations, Reductions, Etc.** *Sections 76 and 77* are repealed. The repeal of these sections is complementary to the transfer to The Municipal Act as new *Sections 636a and 636b* of the provisions relating to cancellations, reductions and refunds etc., of taxes.

11. **Assessment Roll to be Altered to Reflect Alteration in Collector's Roll.** *Subsection 3 of Section 86* is re-enacted to provide that the assessment roll of every municipality shall be altered, amended and corrected by the clerk of the municipality by the 30th day of September of each year to make it accord with and reflect any alteration made to the collector's roll during the year pursuant to the provisions of *Sections 42 and 43 of this Act, Section 547, clauses a, b, c, e, and f of subsection 1 and subsections 7 and 11 of Section 636a and Section 636b of The Municipal Act*.

12. **Removal of Suspension of Annual Census.** *Paragraph 2 of Section 96* is repealed. The effect of the repealed paragraph was to suspend the operation

of *Section 23* of the Act, providing for an annual census, until January 1st, 1974, and this amendment is complementary to re-enactment of *Section 23*.

NOTE: As there are many complementary amendments made as a result of the amendments indicated above it is suggested that recourse be had to the actual Bill to pick them up.

THE ASSESSMENT REVIEW COURT ACT, 1972

BILL No. 176

Ontario Statutes 1972, Chapter 111, effective June 30th, 1972.

The purpose of this Bill is to continue the Assessment Review Court under the Ministry of the Attorney General.

The appropriate provisions are transferred from the former *Sections 50* and *51* of *The Assessment Act*.

THE CHILD WELFARE AMENDMENT ACT, 1972

BILL No. 171

Ontario Statutes 1972, Chapter 109, effective June 30th, 1972, except for the amendment of *Section 35* which comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Capital Grants. *Section 14* is re-enacted to provide for capital grants to be made on the direction of the Minister rather than the Lieutenant Governor in Council. The limitation on the amount of a grant based on bed capacity or on a percentage of the cost has been retained but the rate per bed or the percentage of the cost may be increased by regulation.

THE DISTRICT WELFARE ADMINISTRATION BOARDS AMENDMENT ACT, 1972

BILL No. 60

Ontario Statutes 1972, Chapter 25, effective on a day to be named by the Lieutenant Governor by his proclamation.

1. **Composition of Board.** *Subsections 3* and *4* of *Section 3* are re-enacted to provide that a district welfare administration board shall be a corporation and that the composition of each board and the qualifications and term of office of the members shall be as prescribed by the regulations. Previously the composition of boards was fixed by statute.

2. **Regulations re districts.** A new *clause ba* is added to *Section 11* complementary to the amendments made to *Section 3* setting out the principles upon which the composition of each board is to be established.

THE DOG TAX AND LIVE STOCK AND POULTRY PROTECTION AMENDMENT ACT, 1972

BILL No. 18

Ontario Statutes 1972, Chapter 10, effective April 21st, 1972, except for amendments to the Title, the heading preceding Section 2, the repeal of Sections 2 to 4 and the amendments to Sections 5 and 6 and subsection 1 of Section 7 which come into force on January 1st, 1973.

1. **Title of Act Changed.** The title *The Dog Tax and Live Stock and Poultry Protection Act* is changed to:

The Dog Licensing and Live Stock and Poultry Protection Act.

2. **Provisions for Dog Tax Repealed.** Sections 2, 3 and 4 are repealed. Subsections 2 and 3 of Section 5 are re-enacted and new subsections 4 and 5 are added to Section 5 to remove the obligation of a local municipality to collect a dog tax but retain the power in the municipality to pass a by-law providing for the collection of licence fees on dogs. Subsection 3 of Section 5 provides that a fee not exceeding 25 cents may be charged for each dog tag. Subsection 4 provides that the tag shall bear a serial number and the year for which it was issued and the clerk shall keep a record showing the name of the owner and the serial number of the dog tag. Subsection 5 provides for a fine not exceeding \$50 when an owner fails to obtain a licence for a dog.

3. **Tax of Kennel of Pure-Bred Dogs.** Section 6 is re-enacted to provide that where a by-law is passed for the licensing and registration of dogs under subsection 1 of Section 5 the owner of a kennel of dogs that are pure-bred shall pay a licence fee of \$25 for the kennel and is not liable to pay in respect of such pure-bred dogs any licence fee under the by-law.

4. **Prohibiting or Regulating of the Running at Large of Dogs.** Subsection 1 of Section 7 is re-enacted to provide that in future all by-laws prohibiting the running at large of dogs may be passed by all councils. Prior to this amendment the passing of such by-laws was restricted to certain municipalities and boards.

5. **Penalty.** A new subsection 3 is added to Section 7 to provide that every owner of a dog who allows it to run at large contrary to a by-law made under Section 7 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50.

THE ENVIRONMENTAL PROTECTION AMENDMENT ACT, 1972

BILL No. 168

Ontario Statutes 1972, Chapter 106, effective June 30th, 1972, except for the amendments to the heading of Part VI, Sections 49, 52, 55 and subsection 5 of Section 94 which come into force on a day to be named by the Lieutenant Governor by his proclamation.

1. **Certificate of Approval.** Sections 8 and 9 are repealed and Section 8 is re-enacted for purposes of clarification and to set out standards under which the Director of the Air Management Branch of the Ministry may impose terms and conditions in certificates of approval of any devices that may emit

pollutants into any part of the natural environment other than water or alteration of any process that may emit a pollutant. The repeal of *Section 9* is complementary to the changes in *Section 8*. *Subsection 3* of *Section 8* sets out the cases which are exceptions to the provision which requires the Director's approval as set out above.

2. **Increase in Scope of Protection.** *Subsection 1* of *Section 14* is re-enacted to increase the scope of protection and to provide more effective enforcement of environmental protection in areas where regulations may not be applicable. The subsection prohibits the discharge of a contaminant in an amount that will or is likely to cause harm. A complementary amendment is made by the re-enactment of *Subsection 1* of *Section 15*.

3. **When Public Hearing Required.** A new *Section 33a* is added to provide for mandatory public hearings in connection with the use and establishment of certain waste disposal sites.

4. **Emergency Situations.** A new *Section 33b* is added to provide that where in the opinion of the Executive Director an emergency situation exists a waste disposal site may be established without the necessity of a public hearing.

5. **Hearing as to Municipal By-law.** *Section 35* is re-enacted to authorize an applicant for approval of a waste disposal site to initiate a procedure involving the holding of a public hearing which may lead to an order by the Minister that a municipal by-law will be deemed not to affect the proposed site.

6. **Powers of Executive Director.** *Subsection 2* of *Section 39* is re-enacted to require the Executive Director to consider the report of the Hearing Board before making a decision as to approval of a waste disposal site or waste management system and to authorize the Executive Director to impose terms and conditions in accordance with standards set out in the section.

7. **Sewage Systems.** *Section 57* is re-enacted to provide that no person shall commence to construct, install, establish, extend or alter any building or structure in connection with which a sewage system will be used if the use of the building or structure so constructed, installed, established, etc., will or is likely to affect the operation or effectiveness of the sewage system, or construct, etc., any sewage system unless a certificate of approval for the construction, installation, establishment, enlargement, extension or alteration of the sewage system has first been issued by the Director. *Section 58* is re-enacted to provide for plans and specifications be submitted to the Director of any work to be undertaken. *Section 59* is re-enacted to make clear the duties of the Director. A new *Section 59a* is added to provide for permits to be given by the Director and for the inspection of plans.

8. **Executive Director's Order Where Non-Compliance.** *Subsection 1* of *Section 60* is re-enacted to provide that the Executive Director may make an order for the protection of the natural environment where any person does not comply with the terms or conditions of a certificate issued to him under *Part VII* in respect of sewage systems or where a person undertakes the establishment or a change of a sewage system without having first obtained a certificate of approval therefor.

9. **Where Licence Required.** *Section 61* is re-enacted to provide for the licensing of persons engaged in the business of constructing, repairing or servicing systems, or storing or hauling sewage from sewage systems. The section also provides standards for such licensing.

NOTE: Since the amendments to the Act are quite lengthy and detailed it is suggested a copy of this Bill be obtained.

THE HISTORICAL PARKS ACT, 1972

BILL No. 34

Ontario Statutes 1972, Chapter 6, deemed to have come
into force on April 1st, 1972.

This new Act provides for the establishment and management of historical parks.

1. **Designation of Historical Parks.** *Section 4* provides that the Lieutenant Governor in Council may set apart as a historical park any public lands in which there is an object, site or land of historical significance for the use by the people of Ontario in connection with the enjoyment of such historical object, site or land.

2. **Application of The Provincial Parks Act.** *Section 5* provides that *Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 15a, 17, 18, 19 and 20* of The Provincial Parks Act, apply, with the necessary changes, to historical parks.

THE HOMES FOR THE AGED AND REST HOMES AMENDMENT ACT, 1972

BILL No. 135

Ontario Statutes 1972, Chapter 62, effective May 26th, 1972, except for amendments to Sections 28 and 29 and clauses h to m of subsection 1 of Section 30 which are deemed to have come into force on April 1st, 1972, and amendments to subsection 3 of Section 11, and Sections 16, 17 and 22 which come into force on a day to be named by the Lieutenant Governor by his proclamation.

1. **Staff Appointments by Regulation.** *Subsection 3 of Section 11* is re-enacted to provide that a municipality that establishes and maintains a home, or municipalities that establish and maintain a joint home or the board of management of a home shall appoint such staff as the regulations prescribe for the proper care and well-being of the residents. The former *subsection 3* provided that staff may be appointed as the administrator requires for the carrying out of his duties.

2. **Provision of Medical Care Extended.** *Subsection 4 of Section 11* is amended to provide that the physician for a home is made responsible for the paramedical and nursing care provided in the home as well as for the medical care.

3. **Facilities for Recreational Activities.** *Section 15* is re-enacted to provide that municipalities having a home or the board of management of a home shall provide in accordance with the regulations such space, equipment and materials as will contribute to the well-being of the residents of the home or joint home and as will enable the residents to participate in recreation, handicrafts, continuous learning and similar activities.

4. **Admission to Home for Aged.** *Section 16* is re-enacted to revise the eligibility qualifications for admission to a home.

5. **Discharge of Residents from Home.** *Section 17* is re-enacted to provide that where, in the opinions of the administrator and physician of a home or a joint home, a resident ceases to be eligible to be maintained and cared for therein or where it is in the best interests of such resident, the resident may be discharged from the home in accordance with the regulations.

6. **Where Provincial Aid to be Paid.** *Subsection 2 of Section 19* is amended to provide that provincial aid towards the cost of providing private home care is to be paid to the municipality or municipalities or to the board of management of the home rather than to the treasurer.

7. **Inspection of Books and Records.** *Section 20* is amended to provide that the Director of the Homes for the Aged Branch as well as a provincial supervisor may inspect the books and records of a home.

8. **Responsibility of Payment by Resident.** *Section 22* is re-enacted to provide that regulations will prescribe the part of the cost of maintenance that is the responsibility of a resident of a home.

9. **What Capital Cost May Include.** *Subsections 1, 2 and 3 of Section 24 and subsection 1, clause a of subsection 2 and subsection 3 of Section 26* are amended to make clear that the capital cost of a home in a district may include alteration and renovation costs, for the purpose of computing provincial aid to be granted, and for the apportionment of municipal liability for capital costs.

10. **Provincial Subsidy on Capital Expenditures.** *Subsections 1 and 3 of Section 27* are re-enacted and *subsection 2* is amended to provide that the Minister may direct the payment of capital grants rather than the Lieutenant Governor in Council. The percentage limitation on the amount of such grants may be increased by regulation. The amounts are payable to the municipality or to the board of management, rather than to the treasurer.

11. **Provincial Subsidy on Operating Costs.** *Sections 28 and 29* are re-enacted to provide authority for a more flexible method of computing provincial operating subsidies.

12. **Extended Care Services.** A new *Section 29a* is added to provide that extended care services may be available in a home to a person eligible therefor under *The Health Insurance Act, 1972*, on the grounds of medical necessity.

13. **Regulations.** The regulation-making authority is enlarged, complementary to the preceding sections of the Bill.

THE JURORS AMENDMENT ACT, 1972

BILL No. 182

Ontario Statutes 1972, Chapter 112, effective June 30th, 1972, except for amendments to clause c of Section 1 and subsections 1 and 2 of Section 90 which come into force on a day to be named by the Lieutenant Governor by his proclamation.

1. **Eligible Jurors.** *Section 2* is re-enacted to delete the assessed owner and property value requirement from the qualifications of jurors. Eligibility to vote under *The Municipal Elections Act, 1972* is substituted. A complementary amendment is made by the repeal of *subsection 7 of Section 44*.
2. **Women on Jury Duty.** *Section 4*, which permitted women to apply to be exempt from jury duty, is repealed.
3. **Inspection of Lock-ups in Another County.** *Subsection 1 of Section 46* is amended to ensure that a grand jury can inspect places in which persons in custody are kept before trial where such places provided for the county are located in another county.

THE LOCAL IMPROVEMENT AMENDMENT ACT, 1972

BILL No. 92

Ontario Statutes 1972, Chapter 47, effective May 16th, 1972.

1. **"Value" Re-defined.** *Paragraph 26 of Section 1* is re-enacted to define "value" to mean "the assessed value according to the last revised assessment roll of the municipality". In the former definition "value" meant the assessed value exclusive of buildings. This amendment brings the definition into line with the concept of full market value expressed in *The Assessment Act*.
2. **To Whom Notice of Appeal to be Given.** *Subsection 2 of Section 52* is amended to refer to the regional registrar of the Assessment Review Court instead of the assessment commissioner. This amendment is complementary to a recent change in *The Assessment Act*.

THE MARRIAGE AMENDMENT ACT, 1972

BILL No. 79

Ontario Statutes 1972, Chapter 32, effective July 1st, 1972.

Commutation of Clerk's Fees. *Subsection 3 of Section 38* is re-enacted to remove the limit of \$2,000 on the amount for which a municipality may commute the fees of an issuer.

THE MUNICIPAL AFFAIRS AMENDMENT ACT, 1972

BILL No. 91

Ontario Statutes 1972, Chapter 46, effective May 16th, 1972.

Vacating Certificate. *Subsection 1 of Section 52* is amended to permit the Ministry to require the vacating of a tax arrears certificate by a municipi-

pality where there has been a failure to notify the Public Trustee of the registration of the tax arrears certificate under *subsection 5 of Section 47*.

THE MUNICIPAL AMENDMENT ACT, 1972

BILL No. 201

Ontario Statutes 1972, Chapter 121, effective on a day to be named by the Lieutenant Governor by his proclamation.

This Bill is complementary to The Municipal Elections Act, 1972 and amends those particulars that are required to bring it into conformity with the first-mentioned Act.

Some of the main points are:

1. **Determination of Municipal Electors.** *Subsections 2 and 3 of Section 34* are re-enacted, and new *subsections 3a and 3b* are added, to provide how the number of polling electors is to be determined and related matters.
2. **Qualification of Candidates.** *Section 35* is re-enacted to provide that every person is qualified to hold office as a member of a council of a local municipality whose name is entered on the polling list of electors for election of members of the council and who is not disqualified by The Municipal Act or any other Act from holding such office.
3. **Persons Disqualified from Being Members of Council.** *Clause f of subsection 1 of Section 36* is re-enacted to provide that a member of the Assembly or of the Senate or House of Commons of Canada is not eligible to be elected a member of council.
4. **Part III Re-enacted.** Part III is re-enacted. This Part deals with vacancies on council, appointments to council, filling of vacancies and related matters. The sections re-enacted are *Sections 38 to 46* inclusive. Recourse should be had to the actual Bill for precise details.
5. **Forms Repealed.** *Forms 1, 3 to 18 and 24 to 27* are repealed.

THE MUNICIPAL AMENDMENT ACT, 1972 (No. 2)

BILL No. 206

Ontario Statutes 1972, Chapter 124, effective June 30th, 1972 except for the addition of Section 304a, the re-enactment of paragraphs 1 and 2 of Section 376, amendments to Sections 512, 606, re-enactment of Section 636, and the addition of Sections 636a and 636b which come into force on January 1st, 1973.

1. **Pension for Surviving Spouse.** A new *Section 2a* is added to *Section 239* to provide for the granting of a retirement allowance to the surviving spouse of an employee who dies while in the employ of the municipality.
2. **Term Debentures.** A new *Section 291a* is added to provide for the issue of a combination of term debentures and other debentures and for their inclusion in one by-law.

3. **Accommodation for Doctors or Dentists.** *Clause b of subsection 3 of Section 293* is amended to bring into the category of those by-laws which may be passed without the assent of the electors by-laws for provision of residential, clinical or office accommodation for doctors or dentists.
4. **Taxation of Telegraph and Telephone Gross Receipts.** A new *Section 304a* is added to provide for municipal taxation of telegraph and telephone gross receipts at the rate of 5 per cent per annum.
5. **Federation of Agriculture Special Rate.** *Subsections 1, 2, 6, 7 and 8 of Section 306* are amended to provide that all local municipalities may levy and assess the special rate in respect of Federation of Agriculture fees. Formerly only townships had this authority. A complementary amendment is made by the addition of a new *subsection 33a to Section 352* to enable a municipality to make grants, if desired, in the absence of a by-law under *Section 306*.
6. **Investment of Moneys Not Immediately Required.** *Section 312* is amended to permit municipalities to lend temporary surplus funds to boards of education or to other municipalities. The provisions of the section are extended to metropolitan, regional and district municipalities.
7. **Bicycle Stands on Sidewalks.** A new *paragraph 62a* is added to *Section 352* to permit municipalities to permit any person to maintain bicycle stands upon a sidewalk or the untravelled portion of a highway under their jurisdiction.
8. **Pensions.** *Clause a of paragraph 64 and paragraph 64 of Section 352* are amended to authorize municipalities to increase the amount of pensions being paid to former employees or their widows and children.
9. **Entry to Adjoining Lands to Repair Fences.** *Paragraph 58 of subsection 1 of Section 354* is amended to authorize by by-law the right of access to adjoining lands to maintain, repair, etc., fences or other structures. As the legislation formerly stood entry could only be had to adjoining lands to repair, etc., buildings.
10. **Control of Industrial Nuisances.** *Paragraphs 114 and 115 of subsection 1 of Section 354* are repealed and a new *paragraph 114* is added to provide that by-laws may be passed by the councils of local municipalities for regulating manufactures and trades that in the opinion of council may prove to be or may cause nuisances of any kind. By judicial interpretation the repealed paragraphs applied only to those manufactures or trades which cause or may cause nuisances of an odorous nature. The re-enactment of *paragraph 114* will permit nuisances of a wider range to be controlled.
11. **Non-Conforming Signs.** *Paragraph 126 of subsection 1 of Section 354* is amended to extend the period of time within which a non-conforming sign must be made to comply or removed from 3 years to 5 years.
12. **Automobile Service Stations in Restricted Areas.** As the legislation formerly stood regulation and prohibition applied to those owners of automobile service stations erected in an area in which such were on June 25th, 1928 or at any time since then prohibited by by-law. *Paragraph 132 of subsection*

1 of *Section 354* is amended to confine this authority to control of those service stations erected in an area where service stations are prohibited at the time of passage of a by-law under this paragraph.

13. **Board of Management of an Improvement Area.** *Subsection 6 of Section 361* is amended to permit the appointment of nominees of corporations to the Board of Management of an improvement area.

14. **Fire Areas in Townships.** *Paragraphs 1 and 2 of Section 376* dealing with the levying of special rates for fire areas in townships and for appointment of firefighters, etc., are re-enacted complementary to recent changes in assessment legislation under which lands and buildings are no longer separately assessed.

15. **Grants to Federation of Agriculture.** *Paragraph 5 of Section 376* is repealed. This is complementary to the amendment made to *Section 352* of the Act.

16. **Licence Fee for Food Shops.** *Paragraph 6 of subsection 1 of Section 381* is amended to increase the maximum licence fee for food shops from \$1 to \$10 per annum.

17. **Trailer Camps.** *Subclause iii of clause b of paragraph 15 of Section 383* is amended. The legislation that existed provided for the licensing of trailer camps at the rate of \$20 per lot per month with the exception of lots for temporary occupancy on a seasonal basis in which case the rate was \$5 per lot per month of occupancy. This amendment provides that no licence fee will be chargeable in respect of temporary occupancy of trailer camps by persons who continue to maintain elsewhere a usual or normal place of residence.

18. **Bridge Specifications.** *Section 426* which provided for control of bridge specifications in townships is repealed. This is complementary to changes in the subsidy policies and regulations of the Ministry of Transportation and Communications which now require approval of bridge specifications in all cases.

19. **Use of Space Over and Under Highways.** A new *paragraph 3a* is added to *Section 453* to enable municipalities to construct or permit to be constructed pedestrian walkways over, across or under highways and will include the leasing or licensing of the untravelled portions of such walkways to boutiques, etc. It covers also the situation in which the municipality itself owns the lands abutting on either side of the highway, and provides that the municipality itself may carry out the development.

20. **Penalty for Contravention of a By-law.** *Subsection 1 of Section 466* is amended to increase the maximum penalty for the contravention of a by-law under The Municipal Act from \$300 to \$1,000.

21. **Improvement Districts and O.M.B.** A new *Section 503a* is added to provide that *subsection 1 of Section 64* of The Ontario Municipal Board Act, which stipulates the undertakings for which approval of the Board is required, does not apply to the incurring of a debt by an improvement district that is

payable within a period that does not extend beyond the year in which the debt is incurred.

22. **List of Names and School Support.** New *subsections 2a, 2b, 2c, 2d, 2e, 2f, 2g, 2h, 2i, 2j, 2k, 2l and 2m* are added to *Section 516*. These new subsections provide that the clerk will obtain up-to-date names and school support information following the annual enumeration, except for the new City and two new Regions, and that the lists supplied will be revised and certified for use in preparation of the collector's roll. Written application must be made in the case of school support changes and an appeal lies to the Assessment Review Court from the clerk's refusal to change a school support entry.

23. **Where Land to be Sold for Tax Arrears.** *Subsection 1 of Section 544* is re-enacted to provide that the duties of the Assessment Commissioner, in relation to lands to be sold for arrears of taxes will be confined to confirmation of the legal description of the lands.

24. **Fee for Tax Arrears Certificate.** *Subsection 1 of Section 549* is amended to increase the fee payable to the municipal treasurer for a tax arrears certificate from \$1 to \$2.

25. **Uncollectable Taxes.** *Subsections 1 and 2 of Section 636* are re-enacted. *Subsection 1* provides that where the treasurer ascertains that certain taxes are uncollectable, he shall recommend to the council that such outstanding taxes be struck off the roll. *Subsection 2* provides that notwithstanding *subsection 1*, the treasurer may strike from the roll taxes that by reason of a decision under *Section 636a*, or of a decision of a judge of any court are uncollectable.

26. **Cancellations, Reductions, Refunds, Etc., of Taxes.** New *Sections 636a and 636b* are added which transfer to *The Municipal Act* the provisions of *Sections 76 and 77 of The Assessment Act* which relate to cancellations, reductions and refunds of taxes and to increases of taxes due to gross error, respectively. The council, rather than the Assessment Review Court, will deal with applications under these sections, with appeals provided to the Assessment Review Court, the county judge and the Municipal Board.

THE MUNICIPAL ELECTIONS ACT, 1972

BILL No. 77

Ontario Statutes 1972, Chapter 95, effective on a day to be named by the Lieutenant Governor by his proclamation.

General. This new Act consolidates and includes substantially all the provisions and procedures for the conduct of municipal, school board and other local board elections and for voting on by-laws and questions which heretofore have been provided in *The Municipal Act*, *The Voters' List Act*, *The Municipal Franchise Extension Act* and in other Acts.

Some of the major provisions are:

1. **Term of Office.** *Subsection 1 of Section 9* provides for a uniform two-year term of office for municipal councils, school boards and other local boards.

2. **Polling Day.** *Section 11* provides that polling day in a regular election shall be the first Monday in December in each election year.
 3. **Qualification of Elector, Resident.** *Section 12* provides that a person is entitled to be an elector in a municipality if he is not disqualified under this or any other Act or otherwise prohibited by law from voting in an election and if, any time during the period of enumeration, he is a resident in such municipality, a Canadian or other British subject, and of the full age of 18 years.
 4. **Qualification of Elector, Non-Resident.** *Section 13* provides that a person is entitled to be an elector in a municipality if he is not disqualified under this or any other Act or otherwise prohibited by law from voting in an election and is not resident in such municipality at any time during the period of enumeration but is at any time during such period, an owner or tenant of land in the municipality or the spouse of such an owner, a Canadian citizen or other British Subject, and of the full age of 18 years.
 5. **Preliminary List of Electors.** *Section 18* provides that the preliminary list of electors is to be based on information obtained by way of an annual enumeration to be carried out by the assessment commissioners. Time limits are prescribed. *Section 23* provides for the revision of the preliminary list of electors.
 6. **Nominations.** *Subsection 1* of *Section 33* provides that nomination day for a regular election shall be Monday, the twenty-first day before polling day. *Subsection 2* provides that the period during which candidates in an election may be named shall be the four days immediately preceding nomination day and until 5 o'clock in the afternoon of nomination day. *Subsection 3* requires the clerk to publish notice of the nomination period. *Section 34* provides how a candidate may be nominated. This is a new procedure.
 7. **Advance Polls.** *Subsection 1* of *Section 64* provides that an advance poll shall be held on the Monday and Saturday, seven days and two days respectively before polling day for the purpose of receiving votes of electors who expect to be unable to vote on polling day. Subsequent subsections provide the method by which an advance poll shall be carried out.
 8. **Proxy Voting.** *Section 65* provides for proxy voting by disabled persons and by students, otherwise qualified to vote attending education institutions.
 9. **Conduct of Elections.** Subsequent sections deal with conduct of elections, by-elections, recounts and so forth.
- NOTE: Since this is a new Act and quite lengthy it is suggested that a copy of the Bill be obtained as soon as possible.

THE MUNICIPAL UNCONDITIONAL GRANTS AMENDMENT ACT, 1972

BILL No. 49

Ontario Statutes 1972, Chapter 63, deemed to have come into force on January 1st, 1972.

1. **Municipality Re-Defined.** *Clause c* of *Section 1* is re-enacted to provide that a "municipality" means a city, town, village or township, but does not

include a city, town, village or township situated within a regional or metropolitan municipality.

2. **Schedule Re-Enacted.** The Schedule to the Act is re-enacted to introduce an improved progressive scale of unconditional per capita grant payments to municipalities. The total amount of these grants distributed by the Province will be increased as a result of the new scale. The Bill also provides for recognition by additional grant payments, of the costs of providing policing in municipalities that maintain their own police force or pay for regular policing by the Ontario Provincial Police Force.

THE ONTARIO MUNICIPAL BOARD AMENDMENT ACT, 1972

BILL No. 175

Ontario Statutes 1972, Chapter 110, effective June 30th, 1972.

1. **One Member May Hear Application.** *Section 15* is re-enacted to permit one member of the Board to hold a hearing and make a decision. As the legislation formerly stood, one member of the board could hold a hearing and then report to the Board which could adopt the report as the decision of the Board or otherwise deal with it.

2. **Fees of Board.** *Section 99* is re-enacted to provide, in *subsection 1*, that the Board may make regulations governing the payment of fees and the amount therefor, and, in *subsection 2*, that the Board has power to reduce or waive fees.

THE ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM AMENDMENT ACT, 1972

BILL No. 162

Ontario Statutes 1972, Chapter 102, effective June 30th, 1972.

1. **Definition Section Re-Enacted.** *Section 1*, being the definition section, is re-enacted to accord in the provisions that provide that municipal councillors may participate in O.M.E.R.S. and to permit benefits to be provided to common-law spouses.

2. **Common-Law Spouse.** *Section 1a* provides that benefits under O.M.E.R.S. may be extended to common-law spouses if they fall under the definition of "widow" or "widower" as defined in *Section 1*.

3. **Municipal Councillors.** *Clauses f* and *m* of *Section 13* are amended, *subclause iii* of *clause h* is re-enacted and new *clauses ka* and *ma* are added to provide that municipal councillors are included in the categories of persons in respect of whom regulations of the Act may provide for participation in O.M.E.R.S. The re-enactment of *subclause iii* of *clause h* makes it clear that widowers are eligible for pensions as well as widows and children.

4. **Participation in System by Employees and Councillors.** *Section 14* is amended by the addition of a new *subsection 1a* to provide that participation in the System by a municipality may be in respect of both councillors and employees or in respect of either of them.

THE PLANNING AMENDMENT ACT, 1972

BILL No. 196

Ontario Statutes 1972, Chapter 118, effective June 30th, 1972.

1. **Employees of Local Boards.** *Subsection 1 of Section 4* is amended to permit employees of municipalities and of local boards of municipalities outside the planning area to be members of the planning board.
2. **Members of Council and Planning Boards.** *Subsection 3 of Section 4* is repealed to remove the restriction on members of a municipal council constituting a majority of the members of a planning board. A complementary amendment is made to *subsection 5 of Section 4*.
3. **Adoption of Official Plan.** *Subsection 2 of Section 13* is re-enacted to authorize the council of the designated municipality in a planning area to amend a proposed official plan before adopting it and submitting it to the Minister for approval.
4. **Part-Lot Control By-Laws.** *Subsection 5 of Section 29* is amended to make it clear that a by-law exempting lands from part-lot control may be repealed or amended without the approval of the Minister and that such lands are again subject to part-lot control.
5. **Notice of Minister's Order.** *Subsection 5 of Section 32* is amended and a new *subsection 5a* is added to require the Minister to lodge a restricted area order in the office of the clerk of the municipality in which the land is situate, or in the case of land situate in territory without municipal organization to cause the order to be registered in the appropriate registry or land titles office.
6. **Five Per Cent Land Dedication.** *Clause a of subsection 5 of Section 33* is re-enacted to provide that the 5 per cent land dedication required on a plan of subdivision is designated as for park purposes, rather than as for public purposes other than highways. A complementary amendment is made to *subsection 8 of Section 33*.
7. **Use and Sale of Dedicated Lands.** *Subsection 9 of Section 33* is re-enacted and *subsection 11 of Section 33* is amended to remove the requirement that the dedicated lands be held by the municipality. Such lands may be turned over by the municipalities to other agencies, such as conservation authorities, for park purposes.
8. **Minimum Area and Density Provisions.** *Subsection 1a* is added to *Section 35* to make it clear that municipalities have the authority to regulate lot areas as well as frontage and depth and to regulate the density of

development. Many municipalities have passed by-laws in the past several years dealing with those matters in the belief that *paragraph 4 of subsection 1* contained the authority but a recent decision of the Ontario Court of Appeal has indicated otherwise.

9. **Housing Standards By-Laws.** *Section 36* is re-enacted replacing the present authority of municipalities to pass housing standards by-laws. The principal features are as follows:

1. The scope of the authority is broadened to include all types of property, including vacant property.
2. Presently, only municipalities having an official plan containing provisions relating to housing standards may pass such a by-law; the authority will now be extended to municipalities who adopt a policy statement approved by the Minister, containing such provisions relating to property standards.
3. The approval of the Ontario Municipal Board to such by-laws will no longer be required.
4. Provision is made for appeal from an order issued by a property standards officer to the property standards committee and from that committee to a county court judge.

10. **Maximum Period of Loan Deleted.** *Subsection 2 of Section 37* is amended to delete the maximum period for a loan made by a municipality to a person for expenses in making property conform to a property standards by-law.

11. **Committee of Adjustment.** *Subsection 1 of Section 41* is amended to repeal the authority to establish a committee of adjustment for only part of a municipality as it serves no useful purpose and has led to confusion in a situation where the by-law passed under *Section 35* covers only part of the municipality.

12. **Appeals to Municipal Board.** *Subsection 13 of Section 42* is re-enacted and a new *subsection 13a* is added to vary the procedure in respect of appeals to the Municipal Board from a committee of adjustment.

13. **Resumption of Matter Referred to O.M.B.** A new *Section 44a* is added to enable the Minister to resume dealing with any matter that he had been required to refer to the Municipal Board if all persons who required the reference concur.

THE POLICE AMENDMENT ACT, 1972

BILL No. 163

Ontario Statutes 1972, Chapter 103, effective on a day to be named by the
Lieutenant Governor by his proclamation.

1. **Bargaining Procedures.** *Sections 29, 30, 31 and 32* are re-enacted and a new *Section 33* is added to permit the commencement of bargaining ninety

days before the expiration of the agreement and require bargaining to begin within fifteen days of the request instead of sixty as was previously the case. The amendments also provide for conciliation services and for a council or board of police commissioners to bargain through delegated members. All arbitrations are to be conducted by one arbitrator designated by the Solicitor General instead of three as was previously the case. *Subsection 7 of Section 29* provides that where a notice of desire to bargain is given and involves a pension plan established or to be established under *The Municipal Act*, the notice shall also be given to the Ministry of Treasury, Economics and Intergovernmental Affairs, which may determine the maximum pension benefits that may be included in any agreement or award with respect to such pension plan.

2. **Police Arbitration Commission Established.** *Section 39* is re-enacted to establish the Ontario Police Arbitration Commission to provide a full-time arbitrator and maintain a register of part-time arbitrators and lend administrative and technical assistance to arbitrators. *Subsection 6 of Section 39* sets out the duties and functions of the Arbitration Commission.

3. **Filing of Agreements.** A new *Section 39a* provides that all awards and agreements are required to be filed with the Commission.

4. **Regulations.** A new *Section 39b* provides that subject to the approval of the Lieutenant Governor in Council, the Arbitration Commission may make regulations governing the conduct of arbitration proceedings, prescribing procedures therefor, prescribing forms and providing for their use.

5. **Application of Bill.** A substantive provision, *Section 5*, is included in this Bill to provide that the amendments in the Bill do not apply in respect of bargaining of which notice has been given before this Bill comes into force, or in respect of arbitration resulting therefrom.

THE PUBLIC HEALTH AMENDMENT ACT, 1972

BILL No. 143

Ontario Statutes 1972, Chapter 80, effective June 23rd, 1972, except for the amendment to *Section 35* which is deemed to have come into force on April 1st, 1972, and except for the repeal of paragraphs 32 and 33 of *Section 6* and re-enactment of *Section 45* which come into effect on a day to be named by the Lieutenant Governor by his proclamation.

1. **Appointment of Medical Officer of Health.** A new *subsection 2a* is added to *Section 35* to provide that the council of every municipality that is not included in a health unit shall, subject to the approval of the Minister, appoint a legally qualified medical practitioner to be medical officer of health for the municipality.

2. **Real Property of Separated Health Unit.** *Subsection 5 of Section 37* is re-enacted to provide that with the consent of the municipalities forming a separated health unit as provided for in the agreement setting up the separated unit and, where no such provision is made in the agreement, with the consent

of a majority of such municipalities, the separated local board may acquire and hold real and personal property for its purposes, and may sell, exchange, lease, mortgage or otherwise charge and dispose of such property.

3. **Provisions in Schedule B Deleted.** A new *subsection 4* is added to *Section 125* to the effect that the provisions of the mandatory statutory sanitation by-law having to do with sewage disposal are deleted in areas where the matter is dealt with under *The Environmental Protection Act, 1971*.

THE PUBLIC HOSPITALS AMENDMENT ACT, 1972

BILL No. 183

Ontario Statutes 1972, Chapter 90, effective June 23rd, 1972, except for amendments to Sections 1 to 10, 15, 17 and 19, repeal of Sections 22 to 31, amendments to Sections 32 to 34 and 37, repeal of Section 38 and amendment of Section 39 which are deemed to have come into force on April 1st, 1972.

Liability of Municipality. *Subsections 2, 3, and 4 of Section 19, Sections 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31* are repealed. *Subsection 1 of Section 19, Section 32, subsection 1 of Section 33, and Section 34* are amended. The provisions repealed or amended deal with the liability of a municipality for treatment of indigents. This liability is removed so far as treatment or care in hospitals is concerned. *Section 24* is re-enacted to provide that in the event of the death in a hospital of a patient who is an indigent person, or the dependent of an indigent person, the municipality in which he was a resident at the time of his admission shall pay to the hospital any expenses of his burial that it incurs.

THE PUBLIC SCHOOLS AMENDMENT ACT, 1972

BILL No. 125

Ontario Statutes 1972, Chapter 74, effective June 23rd, 1972 except for the amendments to Sections 50 and 51 which come into force on January 1st, 1973.

1. **Definition of Elector.** *Clause b of Section 1* is re-enacted to define an "elector" in respect of a school section to mean a public school elector under *The Municipal Elections Act, 1972* who is qualified to vote at an election of public school trustees in such section.

2. **Elections.** *Section 21* is re-enacted to make the provisions of *The Municipal Elections Act, 1972* apply to an election of an urban public school board. Amendments are made throughout the Act where necessary as to be complementary to *The Municipal Elections Act, 1972*.

3. **Quashing of By-Laws Re School Sections.** A new *subsection 7* is added to *Section 26* to provide that a by-law for altering a school section is valid notwithstanding any defect in form unless an application to quash is made within thirty days of the approval of the Minister.

4. **Moneys in Reserve Account.** *Section 49* is amended by the addition of *subsections 2, 3, and 4* to provide for the manner in which moneys raised in a municipality where there is no public school board may be used when the municipality comes within the jurisdiction of a board.

5. **Application of Reserve Funds in 1973.** *Section 50* is re-enacted to provide for the use in 1973 of the moneys held by a municipality for school purposes from any source other than rates.

THE REGIONAL MUNICIPAL GRANTS AMENDMENT ACT, 1972

BILL No. 50

Ontario Statutes 1972, Chapter 64, deemed to have come into force on January 1st, 1972.

Grants Increased. *Section 2 and clauses a, b and c of subsection 1 of Section 3* are re-enacted to increase the basic rate of per capita grant payable in Regional and Metropolitan Areas and also to increase the police element of the per capita grant payable in respect of regional and metropolitan police forces and provides for the payment of an additional per capita amount in respect of the costs of providing police services by area municipalities where a regional or metropolitan police force does not exist.

THE RESIDENTIAL PROPERTY TAX REDUCTION ACT, 1972

BILL No. 51

Ontario Statutes 1972, Chapter 65, deemed to have come into force on January 1st, 1972.

General. The Residential Property Tax Reduction Act is repealed effective January 1st, 1972. This Bill re-enacts those sections of the repealed Act that provide for supplementary tax assistance to certain old age pensioners.

1. **Supplementary Tax Assistance.** *Subsection 1 of Section 2* provides that in each year, including the year 1972, the Treasurer shall pay the sum of \$50 to each person whose principal place of residence is Ontario and who is entitled, on any date prescribed by the Treasurer, to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada). *Subsection 2* provides for an additional payment not exceeding \$50 where a person eligible for payment under *subsection 1* resides in a residential property and where such property is occupied by no other person except a spouse who is not eligible for a payment under *subsection 1*, if certain specified requirements are met.

2. **Repayment to Landlord.** *Section 3* provides for reimbursing landlords who have made a pro rata payment to tenants vacating in the first two months of 1972, that was based on the tax reduction applicable to the leased premises in the year 1971.

THE SCHOOLS ADMINISTRATION AMENDMENT ACT, 1972

BILL No. 128

Ontario Statutes 1972, Chapter 77, effective June 23rd, 1972, except for addition of new paragraph 38a to Section 34 and amendments to Sections 36 and 73 which are deemed to have come into force on January 1st, 1972, and except for amendments to subparagraph i of subsection 2 of Section 1, subsection 5 of Section 14, the addition of new Section 21a and amendments to subsection 3 and addition of new subsections 6 and 7 to Section 72 which come into force on September 1st, 1972, and except for amendment to subsection 6 of Section 33, repeal of paragraph 19 of Section 34, amendment to subsection 3 of Section 37, repeal of subsection 4 of Section 40, amendment to Section 46, addition of new subsections 2, 2a and 2b to Section 72 and amendment to Section 85 which come into force on January 1st, 1973 and except for amendment of Section 55 and repeal of Section 56 which come into force on a day to be named by the Lieutenant Governor by his proclamation.

Agreements for Joint Use of Facilities. A new *Section 36a* is added to permit the making of agreements between school boards and municipal or county councils to provide, on school, municipal or county property, facilities for cultural, recreational, athletic, educational, administrative or other community purposes, and the manner of approving and apportioning the costs thereof. *Subsection 3* provides that where an agreement for a permanent improvement is required, it shall not be proceeded with until the plans and specifications therefor have been approved by the Minister. *Subsection 4* sets out the exceptions to this section.

THE SECONDARY SCHOOLS AND BOARDS OF EDUCATION AMENDMENT ACT, 1972

BILL No. 126

Ontario Statutes 1972, Chapter 75, effective June 23rd, 1972, except for amendments to clause a of Section 1 and Section 64 which come into force on September 1st, 1972 and except for amendment to Section 13, repeal of Sections 14 to 18 and amendments to Sections 31 to 33 which come into force on January 1st, 1973.

1. **Qualifications of Member of Secondary School Board.** *Clauses c and d of subsection 1 of Section 5* are repealed and a new *clause c* is enacted. The amendments provide that the qualifications and disqualifications of a member of a secondary school board are the same as those for a divisional board of education and bring the provisions in line with *The Municipal Elections Act, 1972*.
2. **Number of Members for Separate Schools.** *Section 37* is amended by adding a new *subsection 2a* to provide that the clerk of a defined city will determine the number of members of the divisional board to be elected by separate school supporters.
3. **Distribution of Members Within Combined Municipalities.** A new *subsection 9a* is added to *Section 38* to permit county municipalities that are combined for the purpose of the election of two or more members by the public school electors to be divided into areas for the election of one or two

members in each area. A complementary amendment is made by re-enactment of *subsection 21*.

4. **Appeal from Determination Under Subsection 9a.** A new *subsection 9b* is added to *Section 38* to provide for an appeal to the judge by the council of any municipality directly affected by the decision made under the new *subsection 9a* where the division of the combined municipalities is not in proportion to the residential and farm assessment rateable for public school purposes. A complementary amendment is made to *subsection 10* to make it apply to a determination under *subsection 9a*.

5. **Where Judge to Make Determination.** *Subsection 11* of *Section 38* provides that where determination under *subsection 9* is not made before the 1st day of September, the clerk of the county municipality or of the organized district municipality, as the case may be, having the greatest equalized residential and farm assessment for public school purposes in the school division, shall refer the matter to the judge who shall make the determination before October 1st. A complementary amendment is made to *subsection 16*.

6. **Distribution of Members Within Combined Municipalities.** A new *subsection 23a* is added to *Section 38* to provide that where two or more county municipalities are combined for the election of two or more members to be elected by separate school supporters, new *subsections 9a* and *9b* apply, with the necessary changes, to such combination of municipalities except that the equalized residential and farm assessments of the property rateable for separate school purposes shall be used in all the determinations.

7. **Conduct of Elections.** *Subsections 27* to *34* of *Section 38* are repealed and *subsection 27* is re-enacted to provide that the election of members of a divisional board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality. The repealed provisions are now contained in *The Municipal Elections Act, 1972*. The new *subsection 27* is complementary to the said Act.

8. **Election to Fill Vacancy.** A new *subsection 5* is added to *Section 42* in respect of the filling of vacancies on a divisional board to be consistent with the provisions of *The Municipal Elections Act, 1972*.

THE SEPARATE SCHOOLS AMENDMENT ACT, 1972

BILL No. 127

Ontario Statutes 1972, Chapter 76, effective June 23rd, 1972, except for the amendment to *Section 65* which come into force on January 1st, 1973.

1. **Provisions for Enumeration.** *Subsection 4* of *Section 7*, *subsection 4* of *Section 53*, *subsection 5* of *Section 60*, *subsection 1* of *Section 61*, *subsection 1* of *Section 63* and *subsections 2, 5* and *6* of *Section 64* and *Section 70* are amended to bring the Act into line with the provisions respecting enumeration in *The Municipal Elections Act, 1972* and *The Assessment Act*.

2. **Notice of Meeting and Election.** *Subsection 1* of *Section 21* is re-enacted to make it clear that the notice in writing of the holding of the meeting to elect the requisite number of trustees under *Section 20* and of the election of trustees

shall be delivered by one of the elected trustees to the clerk of the municipality and to the secretary of the board of public school trustees for the area in which the separate school is to be established designating by name and residence each of the persons elected as trustees. A complementary amendment is made to *subsection 2*.

3. **Residents Other Than Supporters Entitled to Vote.** A new *Section 46a* is added to permit persons who are Roman Catholics and qualified to vote at elections but are not owners or tenants of land to become separate school electors. Formerly, only persons who were separate school supporters and persons who were Roman Catholics and the wives or husbands of such supporters were separate school electors.

4. **Election to Fill Vacancy.** A new *subsection 6* is added to *Section 52* to provide that an urban separate school board or a combined separate school board may require that an election be held to fill a vacancy on the board and the provisions of *The Municipal Elections Act, 1972* that pertain to an election to fill a vacancy shall apply.

5. **Permanent Improvements and Reserve Funds.** *Section 65* is amended by the addition of a new *clause e* to provide for expenditure for permanent improvements and for reserve funds on the same basis as for public schools when separate school rates are collected by a municipal council.

6. **Distribution of Members within Combined Municipalities.** *Section 90* is amended by the addition of a new *subsection 8a* to permit municipalities combined for the election of two or more trustees to be divided into areas for the election of one or more trustees in each such area.

7. **Appeal from Determination.** *Section 90* is amended by the addition of a new *subsection 8b* to provide for an appeal to the judge by the council of a municipality directly affected where the division of the combined municipalities under new *subsection 8a* is not in proportion to the residential and farm assessment rateable for separate school purposes. A complementary amendment is made, relative to new *subsections 8a* and *8b*, by the re-enactment of *subsection 19*.

8. **Elections.** *Subsections 21 to 26 of Section 90* are repealed. The provisions of these subsections dealing in the elections are now contained in *The Municipal Elections Act, 1972*. *Section 21* is re-enacted to provide that elections will be conducted according to the provisions of that Act.

9. **Election to Fill Vacancy.** A new *subsection 6* is added to *Section 91* to permit a vacancy to be filled by election.

THE WEED CONTROL AMENDMENT ACT, 1972

BILL No. 95

Ontario Statutes 1972, Chapter 39, effective on a day to be named by the Lieutenant Governor by his proclamation.

1. **Appointment of Inspectors.** *Section 6* is re-enacted. *Subsection 1* provides that the council of every county and regional municipality shall

appoint one or more area weed inspectors in the area within its jurisdiction and fix their remuneration. *Subsection 2* provides that council may divide the municipality into areas and appoint one or more area weed inspectors for each area. Under *subsection 3* where council fails to appoint an area weed inspector the Minister of Agriculture and Food may do so.

2. **Clerk to Report to Inspectors.** *Section 7* is re-enacted to require the clerk, before April 1st in each year, to report to the chief inspector the name and address of every area weed inspector and the area for which each area weed inspector is appointed.

3. **Appointment of Inspectors in Other Municipalities.** *Section 8* provides for appointment of weed inspectors in any municipality not referred to in *subsection 1* of *Section 6*. *Subsection 3* of *Section 8* provides that where a council has appointed a weed inspector it may designate by by-law, (which does not take effect until it is approved by the Minister), any plant that is not a noxious weed as a local weed within the area to which the by-law applies.

4. **Destruction of Weeds in Subdivided Areas.** *Section 14* is amended to provide that the council of any city, town, village or township may after proper publication direct that noxious weeds or weed seeds in any subdivisinal portions of the municipality be destroyed and the expenses of such destruction shall be put on collector's roll against the respective parcels and shall be collected in the same manner as taxes under *The Municipal Act* subject to appeal to the Assessment Review Court.

5. **Designation of Plants as Noxious Weeds.** *Clause a* of *Section 21* provides that the designation of plants as local weeds will be by municipal by-law rather than by regulation as was formerly the case.

6. **Reimbursement to Municipalities.** *Clause g* of *Section 21* is re-enacted to provide that the Lieutenant Governor in Council may make regulations for the reimbursement of municipalities in territorial districts and of those municipalities required to appoint inspectors under *Section 6* and to provide for limits for such reimbursement.

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